Honourable Sri G.S.Singhvi

The Chief Justice

And

Honourable Sri Justice

R.Subhash Reddy

-

Writ Appeal No. 1483 of 2005

-

Between:

The Management of Singareni Collieries

Co. Ltd., Ramakrishnapur-II Division,

PO Kalyanikhani, Adilabad District.

… Appellant

And

The Presiding Officer, Industrial Tribunal

(Central), Hyderabad and another.

… Respondents.

::JUDGMENT::

Counsel for appellant : Ms.V.Umadevi

for Sri K.Srinivasa Murthy

Counsel for respondent No.1 : Sri A.Rajasekhara Reddy

Assistant Solicitor-General

Counsel for respondent No.1 : Sri G.Vidyasagar.

20th December, 2005.

Per G.S.Singhvi, C.J.

This appeal is directed against order dated 18-11-2004 passed by the learned Single Judge in Writ Petition No.12808 of 1989 whereby he refused to interfere with award dated 22-1-1987 passed by Industrial Tribunal (Central), Hyderabad (for short 'the Tribunal') in I.D.No.17 of 1986.

On the last date of hearing i.e., 13-12-2005, we had, after hearing learned counsel for parties, expressed the opinion that the finding recorded by the Tribunal on the legality and fairness of the domestic enquiry held against the respondent and the charges leveled against him, except the one relating to absence from duty, cannot be treated as proved do not suffer from any error of law. We also expressed the view that the Tribunal did not commit any jurisdictional error by modifying the penalty imposed by the employer and substituting the punishment of dismissal with that of stoppage of one increment. However, the award of full backwages to the respondent was found to be unsustainable. It was observed that after having found the respondent guilty of at least one charge, the Tribunal should not have awarded full backwages. The Court also observed that ends of justice would be met by awarding 50% backwages to the respondent workman. Upon this, learned counsel for parties made a request for adjournment to seek instructions.

At the commencement of the hearing, the learned counsel for the appellant gave out that she has been instructed by her client to make a statement that the Court may modify the award and reduce the amount of backwages by 50%. Learned counsel for the workman says that his client is agreeable to the suggestion made by the counsel for the appellant.

In view of the statements made by the learned counsel for the parties, the appeal is disposed of in the following terms:

1. The order passed by the learned Single Judge confirming award dated 22-1-1987 is upheld so far as the Tribunal's finding on the merits of the enquiry and the misconduct committed by the respondent workman is concerned.

2. The conclusion recorded by the Tribunal on the quantum of punishment is also upheld.

3. However, the award of backwages is modified and it is directed that instead of full backwages awarded by the Tribunal, the respondent workman shall be entitled to 50% backwages.

G.S. SINGHVI, CJ

R. SUBHASH REDDY, J

December 20, 2005

Vr / svs